

NINETY-NINTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE RESOLUTION 4CA**

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Beutler, 28

Read first time January 6, 2005

Committee: Executive Board

1           THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA,  
2   FIRST SESSION, RESOLVE THAT:

3           Section 1. At the general election in November 2006 the  
4   following proposed amendment to the Constitution of Nebraska shall  
5   be submitted to the electors of the State of Nebraska for approval  
6   or rejection:

7           To amend Article III, sections 7 and 19, and add a new  
8   section 31 to Article III:

9           III-7 At the general election to be held in November  
10   1964, one-half the members of the Legislature, or as nearly thereto  
11   as may be practicable, shall be elected for a term of four years  
12   and the remainder for a term of two years, and thereafter all  
13   members shall be elected for a term of four years, with the  
14   manner of such election to be determined by the Legislature. When  
15   the Legislature is redistricted, the members elected prior to  
16   the redistricting shall continue in office, and the law providing

1 for such redistricting shall where necessary specify the newly  
2 established district which they shall represent for the balance  
3 of their term. Each member shall be nominated and elected in a  
4 nonpartisan manner and without any indication on the ballot that  
5 he or she is affiliated with or endorsed by any political party  
6 or organization. Each member of the Legislature shall receive a  
7 salary of ~~not to exceed~~ one thousand dollars per month during  
8 the term of his or her officeuntil his or her compensation is  
9 changed in the manner provided by Article III, section 31, of this  
10 Constitution. In addition to his or her ~~salary~~compensation, each  
11 member shall receive an amount equal to his or her actual expenses  
12 in traveling by the most usual route once to and returning from  
13 each regular or special session of the Legislature. Members of the  
14 Legislature shall receive no pay nor perquisites other than ~~his~~  
15 ~~or her salary~~the compensation provided by this section and Article  
16 III, section 31, of this Constitution and expenses, ~~and employees~~  
17 ~~of the Legislature shall receive no compensation other than their~~  
18 ~~salary or per diem.~~

19 III-19 (1) The Legislature shall never grant any extra  
20 compensation to any public officer, agent, or servant after the  
21 services have been rendered nor to any contractor after the  
22 contract has been entered into, except that retirement benefits of  
23 retired public officers and employees may be adjusted to reflect  
24 changes in the cost of living and wage levels that have occurred  
25 subsequent to the date of retirement.

1           (2) Except as otherwise provided by Article III, section  
2 31, of this Constitution, theThe compensation of any public  
3 officer, including any officer whose compensation is fixed by  
4 the Legislature, shall not be increased or diminished during his  
5 or her term of office, except that when there are members elected  
6 or appointed to ~~the Legislature or~~ the judiciary, or officers  
7 elected or appointed to a board or commission having more than one  
8 member, and the terms of such members commence and end at different  
9 times, the compensation of all members ~~of the Legislature,~~ of the  
10 judiciary, or of such board or commission may be increased or  
11 diminished at the beginning of the full term of any member thereof.

12           (3) Nothing in this section shall prevent local governing  
13 bodies from reviewing and adjusting vested pension benefits  
14 periodically as prescribed by ordinance.

15           (4) The surviving spouse of any retired public officer,  
16 agent, or servant, who has retired under a pension plan or system,  
17 shall be considered as having pensionable status and shall be  
18 entitled to the same benefits which may, at any time, be provided  
19 for or available to spouses of other public officers, agents, or  
20 servants who have retired under such pension plan or system at  
21 a later date, and such benefits shall not be prohibited by the  
22 restrictions of this section or of Article XIII, section 3, ~~of the~~  
23 ~~Constitution of Nebraska~~this Constitution.

24           III-31 (1) There is hereby created the Ethics and  
25 Compensation Review Commission. The members of the commission

1 shall be appointed by the Governor. There shall be two members  
2 appointed from each congressional district and three members from  
3 the state at large. Members of the commission shall serve for terms  
4 of six years, except that of the members initially appointed, one  
5 from each of the congressional districts and one of the at-large  
6 members shall be appointed for terms of two years. No more than  
7 five members of the commission may belong to the same political  
8 party at any one time, and no elected official or employee of the  
9 state or any political subdivision or registered lobbyist may serve  
10 as a member. The term of an existing member shall terminate on the  
11 date a new member is appointed. A member may serve no more than two  
12 terms on the commission and shall receive no compensation for the  
13 performance of his or her duties but may be reimbursed for actual  
14 and necessary expenses.

15 (2) The Ethics and Compensation Review Commission shall  
16 prepare and present to the Legislature prior to November 1, 2007,  
17 a recommended legislative code of ethics which may be adopted by  
18 the Legislature. The code of ethics shall include procedures for  
19 implementing such code. Beginning three years after the initial  
20 adoption of the recommended code of ethics, the Legislature may  
21 modify the code of ethics as it deems necessary or advisable to  
22 effectuate Article III, sections 10 and 16, of this Constitution.  
23 The Legislature shall maintain a code of ethics in its permanent  
24 rules.

25 (3) After the Ethics and Compensation Review Commission

1 has presented a code of ethics to the Legislature and a code of  
2 ethics has been adopted as recommended as part of the Legislature's  
3 permanent rules, the commission shall review compensation for  
4 members of the Legislature and submit a report to the Governor and  
5 the Legislature recommending any adjustment to such compensation  
6 the commission deems appropriate. The Legislature may by  
7 legislative bill approve, disapprove, or reduce the recommended  
8 adjustment but may not increase the recommended adjustment.  
9 Adjustments shall not become effective until so approved by the  
10 Legislature, and when so approved shall become effective three  
11 calendar months following the end of the legislative session in  
12 which the adjustments were approved. The commission shall review  
13 and submit a report recommending any adjustment to compensation  
14 every fourth year and shall review and submit a recommendation with  
15 respect to changes in the legislative code of ethics every fourth  
16 year after the submission of the original recommendation.

17           Sec. 2. The proposed amendment shall be submitted to the  
18 electors in the manner prescribed by the Constitution of Nebraska,  
19 Article XVI, section 1, with the following ballot language:

20           A constitutional amendment to create the Ethics and  
21           Compensation Review Commission, to change and eliminate  
22           provisions relating to compensation of members and  
23           employees of the Legislature, and to provide for the  
24           adoption of a legislative code of ethics.

25           For

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Against.